

\_\_\_\_\_ BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_  
(Primary Sponsor)

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING CONDITIONS FOR REPRESENTATION OF PARTIES APPEARING BEFORE AN AGENCY IN A QUASI-JUDICIAL PROCEEDING; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Representation of parties appearing in quasi-judicial proceeding --**

**rules.** (1) In a proceeding in which an agency is exercising a quasi-judicial function, as defined in 2-15-102:

(a) an agency may be represented by:

(i) an attorney, pursuant to 2-4-105; or

(ii) a nonattorney agency employee who does not charge a separate fee to present the agency's position at the proceeding and who is not compensated more than for the employee's regular job duties;

(b) any party who is not an agency may be:

(i) self-represented;

(ii) represented by an attorney, as provided in 2-4-105; or

(iii) represented by a nonattorney.

(2) Any party or representative of a party appearing at a quasi-judicial proceeding who becomes disruptive at the proceeding may be removed from the proceeding at the sole discretion of the agency conducting the proceeding and may be barred from any further appearance before the agency. However, nothing in this subsection may be interpreted to infringe on a party's right to counsel provided in 2-4-105.

(3) An agency may adopt rules to implement the provisions of this section.

**NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 2, chapter 4, part 1, and the provisions of Title 2, chapter 4, part 1, apply to [section 1].

1 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

2 - END -